

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Civil No. 09-08 (RHK/FLN)

Petitioner,

ORDER

v.

Keith E. Anderson,

Respondent.

Before the Court are Respondent's Objections to the May 5, 2009 Report and Recommendation of Magistrate Judge Franklin L. Noel in which Judge Noel determined that (a) Respondent is suffering from a mental disease or defect; (b) he is in need of custody, care, or treatment of disease or defect, and (c) FMC-Rochester is a suitable facility.

This Court has conducted a de novo review of Judge Noel's Report and Recommendation, as well as Respondent's Objections thereto; that review has included transcripts of the March 4, 2009 and April 10, 2009 hearings before Judge Noel at FMC-Rochester. Based upon that review, the Court concludes that Judge Noel's recommended disposition is fully supported by the record before him and controlling legal principles.

Based on the foregoing, and upon all the files, records and proceedings herein, **IT IS ORDERED;**

1. Respondent's Objections (Doc. No. 24) are **OVERRULED;**
2. The Report and Recommendation (Doc. No. 19) is **ADOPTED;** and

3. The Petition (Doc. No. 1) is **GRANTED**,

Dated: July 13, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge